



General Assembly

Amendment

February Session, 2016

LCO No. 5355



Offered by:

REP. SERRA, 33rd Dist.
SEN. FLEXER, 29th Dist.
REP. ROVERO, 51st Dist.
SEN. OSTEN, 19th Dist.
REP. BOLINSKY, 106th Dist.
SEN. KELLY, 21st Dist.
REP. BERGER, 73rd Dist.
REP. HAMPTON, 16th Dist.

REP. LUXENBERG, 12th Dist.
REP. KOKORUDA, 101st Dist.
REP. JANOWSKI, 56th Dist.
REP. COOK, 65th Dist.
REP. STEINBERG, 136th Dist.
REP. ADINOLFI, 103rd Dist.
REP. ZONI, 81st Dist.
REP. PAVALOCK, 77th Dist.

To: House Bill No. 5289

File No. 140

Cal. No. 122

"AN ACT CONCERNING PROTECTIVE SERVICES FOR VULNERABLE PERSONS."

1 Strike sections 3 and 4 in their entirety and insert the following in
2 lieu thereof:

3 "Sec. 3. Subsection (a) of section 17b-452 of the 2016 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2016*):

6 (a) The commissioner, upon receiving a report that an elderly
7 person allegedly is being, or has been, abused, neglected, exploited or
8 abandoned, or is in need of protective services, shall investigate the
9 report to determine the condition of the elderly person and what

10 action and services, if any, are required. The investigation shall include
11 (1) an in-person visit to the named elderly person, (2) consultation with
12 those individuals having knowledge of the facts of the particular case,
13 and (3) an interview with the elderly person alone unless (A) the
14 elderly person refuses to consent to such interview, or (B) the
15 commissioner determines that such interview is not in the best
16 interests of the elderly person. If the commissioner determines that a
17 caregiver is interfering with the commissioner's ability to conduct an
18 interview alone with the elderly person, the commissioner may bring
19 an action in the Superior Court or Probate Court seeking an order
20 enjoining such caregiver from interfering with the commissioner's
21 ability to conduct an interview alone with the elderly person. In
22 investigating a report under this subsection, the commissioner may
23 subpoena witnesses, take testimony under oath and compel the
24 production of any necessary and relevant documents necessary to
25 investigate the allegations of abuse, neglect, exploitation or
26 abandonment. The commissioner may request the Attorney General to
27 petition the Superior Court for such order as may be appropriate to
28 enforce the provisions of this section. Upon completion of the
29 investigation, the commissioner shall prepare written findings that
30 shall include recommended action and a determination of whether
31 protective services are needed. Not later than forty-five days after
32 completion of the investigation, the commissioner shall disclose, in
33 general terms, the result of the investigation to the person or persons
34 who reported the suspected abuse, neglect, exploitation or
35 abandonment, provided: (i) The person who made such report is
36 legally mandated to make such report, (ii) the information is not
37 otherwise privileged or confidential under state or federal law, (iii) the
38 names of the witnesses or other persons interviewed are kept
39 confidential, and (iv) the names of the person or persons suspected to
40 be responsible for the abuse, neglect, exploitation or abandonment are
41 not disclosed unless such person or persons have been arrested as a
42 result of the investigation.

43 Sec. 4. Subsection (g) of section 17a-412 of the 2016 supplement to

44 the general statutes is repealed and the following is substituted in lieu
45 thereof (*Effective July 1, 2016*):

46 (g) The person filing a report or complaint pursuant to the
47 provisions of this section shall be notified, in general terms, of the
48 findings of any investigation conducted by the Commissioner of Social
49 Services [, upon request.] not later than forty-five days after
50 completion of the investigation, provided: (1) The person who made
51 such report was legally mandated to make such report, (2) the
52 information is not otherwise privileged or confidential under state or
53 federal law, (3) the names of the witnesses or other persons
54 interviewed are kept confidential, and (4) the names of the person or
55 persons suspected to be responsible for the abuse, neglect, exploitation
56 or abandonment are not disclosed unless such person or persons have
57 been arrested as a result of the investigation."

This act shall take effect as follows and shall amend the following sections:

Sec. 3	<i>July 1, 2016</i>	17b-452(a)
Sec. 4	<i>July 1, 2016</i>	17a-412(g)